

January 12, 2009
East Lyme Charter Revision Commission
Regular Meeting Minutes

Members Present: Robert Tobin
Tony Attanasio
James Anderson
Greg Massad
Michael Foley
Steve McCue
Lawrence White
Christopher Sandford

Also Present: First Selectman Paul Formica
Jack Hogan, ex officio
Robert Gadbois

I. Call to Order. Acting Chairman Tobin called the January 12, 2009 East Lyme Charter Revision Commission Meeting to order at 7:05 p.m.

II. Pledge of Allegiance. The Pledge of Allegiance was observed.

III. Approval of Minutes of December 8, 2008. Acting Chairman Tobin asked for additions, deletions or corrections to the December 8, 2008 Charter Revision Commission Meeting Minutes.

MOTION: Mr. Anderson moved to approve the December 8, 2009 Charter Revision Commission Meeting Minutes, as presented. Seconded by Mr. Foley.
(8-0) Unanimous

IV. Delegations. There were no delegations.

V. New Business. Mr. Tobin reported at its last meeting this Commission voted to adopt a referendum procedure. He prepared draft language concerning referendum procedures for the Annual Budget Meeting.

There are various ways other towns determine whether or not to go to Referendum. The Town Meeting can retain authority to act on the budget or the Town may use the Town Meeting for questions and answers and then go to Referendum.

Mr. Attanasio felt the Town Meeting should only be an informational session and then go to Referendum.

Mr. Massad arrived.

Mr. Foley stated it was not the intent of the subcommittee to eliminate the Town Meeting. A vote may be taken at the Annual Town Meeting to go to Referendum.

Mr. Tobin felt the concept being expressed is that there is a vote taken at the Town Meeting and that the budget is taken to Referendum. This preserves the concept of the Town Meeting.

Mr. Sandford asked would the Board of Finance budget be sent to residents for a vote?

Mr. Tobin replied the Town Meeting is a question and answer session prior to convening to a vote on the budget. There are towns in which the Town Meeting retains some authority over the budget and can reject the budget. Mr. Anderson felt this would enable a minority to affect the process.

Mr. Sandford felt this process would not give the Board of Finance an answer as to why the budget was rejected. He felt an informational session during the Annual Town Meeting prior to going to Referendum is a better idea.

Mr. Tobin stated the Annual Town Meeting does retain authority to decide to automatically go to Referendum.

Mr. Foley felt the Charter should be about format and procedure, not politics. He felt the Town Meeting should convene to a machine vote.

Mr. Tobin reported the language he presented was based on language in the Town of Clinton's Charter with some revisions. This matter can be tabled until the next meeting of this Commission to allow members who are unable to be present an opportunity to express their opinions.

It is felt that the Town of East Lyme is becoming too large for a Town Meeting form of government. The Town has had referendums in 1979, twice in 1990, in 1991, in 1994, 1996, 2003 and three times in 2007. It is felt that those referendums gave residents an opportunity to voice their opinion to elected representatives. As the Town gets larger, a vote by machine will be more efficient.

Mr. Massad asked if the budget is revised after revenue is received from the state? Mr. Tobin replied if there is a change as a result of revenue from the state increases or decreases can be factored in. Mr. Formica stated the state's budget process is later than the town's.

Mr. Anderson asked if it is a legal requirement to have an Annual Town Meeting prior to going to Referendum? He suggested deleting the language "At the conclusion of the public participation meeting, the annual budget meeting shall be convened to referendum by machine or ballot vote." Mr. Massad felt it was to set the time frame. Mr. Tobin would like input from Chairman Goldberg and Town Attorney's opinion on this language prior to any action being taken.

VI. Old Business

a. Status of questions to Town Attorney and response. Mr. Formica stated Town Attorney is compiling answers to questions submitted by Chairman Goldberg and will provide a written report at the next meeting of this Commission.

b. First Selectman's Report. The First Selectman reported on agenda items.

c. All unresolved items from commission list.

1. Alternates to Board of Finance. Mr. Tobin stated there are statutory provisions regarding alternates to the Board of Finance.

Mr. Formica felt if there are alternates to the Board of Finance each alternate would need to attend each meeting in order to justify being able to vote. Having alternates would insure a quorum. Mr. Attanassio did not feel this should be part of the Town's Charter.

Mr. Massad would not support it.

Mr. Foley did not feel it belongs in the Charter.

Mr. Sandford stated under state statutes the Board of Selectman may appoint alternates to the Board of Finance.

MOTION: Mr. Foley moved that this Commission no longer consider alternates to the Board of Finance. Seconded by Mr. White. Mr. Anderson abstained from voting. (7-0-1) Motion carried.

2. Bifurcation of Budget. Mr. Foley stated he is against bifurcation of the budget. Mr. Anatassio stated he, too, is against bifurcation of the budget.

Mr. Massad supports bifurcation of the budget. Mr. White felt there would be more control with bifurcation of the budget.

Mr. Sandford felt this issue may divide the Town. Those who do not have youngsters in the school system will vote it down, and those with youngsters in the school system will vote in favor of the Board of Education budget. Mr. Anderson agreed. He felt this is not the time for bifurcation of the budget. Mr. White felt there are residents who do not have youngsters in the school system like himself that would support education.

Mr. Massad felt general government should not suffer if there is an issue with the Board of Education budget. He is in favor of allowing residents an opportunity to voice their opinion on this matter.

Mr. Attanasio felt the Annual Town Meeting is a forum to express a resident's opinion.

Mr. Anderson hopes the Town will have bifurcation of the budget in the future, but not now.

Mr. McCue felt it is difficult to separate the Board of Education from the Town budget. Mr. Sandford is against bifurcation. All ECC money goes to the Town, not the Board of Education. He felt if the Board of Education budget is separated from the Town budget, other departments should be too.

MOTION: Mr. Anderson moved to conclude discussion for consideration of bifurcation of the Town Budget. Seconded by Mr. Attanasio. Mr. McCue abstained from voting. In Favor: Sandford, Anderson, Attanasio. In Opposition: Tobin, Foley, White and Massad. (3-4-1) Motion defeated.

Mr. White felt this issue deserves more consideration.

Mr. Tobin stated this Commission needs to write a report by the beginning of May. He felt it was a good idea to continue discussion to the next meeting with a clear understanding and take a final vote at the next meeting of this Commission.

3. Budget Vote Qualification. Commission members reviewed Referendum History on budgets.

Mr. Attanasio did not feel this is the time to recommend any change on this matter.

Mr. Tobin stated this is a provision in state statutes that allows taxpayers to vote but local Charter can differ.

Mr. Massad felt the Town may be subjecting itself to a lawsuit by taking a taxpayer's right to vote away.

Mr. Foley referred to Referendum History on Budgets and did not feel there are a significant number of residents in this category to change the vote. He felt they should be given an opportunity to vote.

Mr. Anderson felt since it is a state statute, he would like to see these taxpayers allowed to vote.

MOTION: Mr. Attanasio moved to conclude further consideration of Budget Vote Qualification by this Commission. Seconded by Mr. Foley. (7-1) In Favor: Sandford, Foley, Attanasio, Anderson, White, Tobin and Massad. In Opposition: McCue. Motion carried.

Mr. Attanasio stated it is necessary for a bill to be passed to raise the amount a taxpayer would pay to be eligible to vote. Mr. McCue felt this issue deserves further study.

4. Police Commission. Mr. Tobin reported Town Attorney has been asked if it were possible to retain the Resident Trooper if we had a Police Commission. No response has been received to date. Mr. Formica felt it would be necessary to have a Police Chief and Deputy Chief. This expense would far exceed the cost of our Resident State Trooper.

Mr. Formica felt we may want to consider a Public Safety Commission that could look into ways to enhance public safety of the community. Mr. Massad asked how Mr. Formica envisions a Public Safety Commission. Mr. Formica felt it could be an ad hoc of the Board of Selectmen.

Mr. Tobin stated some towns have an Advisory Police Commission that advises the Board of Selectmen.

MOTION: Mr. Attanasio moved to conclude further discussion of the Police Commission as a Charter Revision item. Seconded by Mr. McCue. (8-0) Unanimous.

5. Facilities Manager. Mr. Foley did not feel a Facilities Manager should be a Charter issue but instead should be handled by the Board of Selectmen and the Board of Education.

Mr. Formica reported meetings have been held with the Board of Education to discuss the possibility of one Facilities Manager for Town and Board of Education buildings. ARAMARK manages the Board of Education facilities and takes care of maintenance. The Town and Board of Education may also be able to purchase supplies and obtain better prices. An Energy Task Force has been formed together with the Business Manager of the school system. Mr. Formica felt this should be done but not through the Charter.

MOTION: Mr. Attanasio moved to conclude further discussion of the Facilities Manager as a Charter Revision item. Seconded by Mr. Anderson. (8-0) Unanimous.

VII. Public Comments. There were no public comments.

VIII. Adjournment.

MOTION: Mr. White moved to adjourn the January 12, 2009
East Lyme Charter Revision Commission Meeting
at 8:45 p.m. Seconded by Mr. Anderson. (8-0)
Unanimous.

Respectfully submitted,

Frances Ghersi, Recording Secretary